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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Tehama)

THE PEOPLE,

Plaintiff and Respondent,

v.

DAREA DARCELL CORREIA,

Defendant and Appellant.

C086887

(Super. Ct. Nos. 17CR001952,
18CR000219)

Defendant Darea Darcell Correia pleaded guilty to multiple offenses in two separate cases, and was sentenced to serve an aggregate term of five years in state prison. Defendant's appointed counsel filed an opening brief setting forth the facts of the cases and asked this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) Finding no arguable error that would result in a disposition more favorable to defendant, we affirm.

FACTUAL AND PROCEDURAL BACKGROUND

We provide the following brief description of the facts and procedural history of defendant's case.¹ (See *People v. Kelly* (2006) 40 Cal.4th 106, 110, 124.)

Case No. 17CR-001952 (case No. 1952)

The victim parked her car and left the keys on the driver's side floorboard; six hours later she noticed the car was missing. Defendant was later found sitting in the driver's seat of the victim's car. When an officer approached, defendant said, "I was not driving the car, it was Josh." She was arrested, and a search of her backpack revealed several stolen items, including a tablet, binoculars, a speaker, credit cards, hunting licenses and tags, and identification cards.

In August 2017, defendant was charged with unlawfully taking and driving a vehicle (Veh. Code, § 10851, subd. (a), count one), felony receipt of stolen property (Pen. Code, § 496d, subd. (a), count two),² and two counts of misdemeanor receiving stolen property (§ 496, subd. (a), counts three and four). The next month defendant pleaded guilty to counts one, three, and four. Pursuant to the plea agreement, defendant was sentenced to serve three years in prison, with execution suspended, and was granted five years probation.

Case No. 18CR-000219 (case No. 0219)

While in custody at Tehama County Jail, defendant attempted to commit suicide. Following the incident, she was taken to a hospital. There, she made statements to

¹ In case No. 17CR001952, the parties stipulated to Red Bluff Police Department report 17-2500 as the factual basis of the plea. In case No. 18CR000219, the parties stipulated to Tehama County Sheriff's Office Report 17-2309 as the factual basis for the plea.

² Undesignated statutory references are to the Penal Code.

law enforcement authorities about escaping, and told one deputy, “[t]ell them I kicked your ass and took your keys and escaped.” She also offered the deputy money for his help.

Outside the hospital, while walking to the patrol car, defendant moved away from the car when told to get inside, and failed to follow the deputy’s orders. When the deputy attempted to get defendant into the car, she grabbed his duty belt by the firearm holster and grabbed the safety strap. The deputy took defendant to the ground, but she continued to hold onto the holster strap, exposing the top of the gun. Defendant later grabbed the deputy’s shirt and got the handcuff key out of his shirt pocket. The deputy administered another “distraction blow” and was able to retrieve the key from defendant and get her into the patrol car.

In February 2018, defendant was charged with attempted escape by force or violence (§ 4532, subd. (b)(2), count one), bribing an officer (§ 67, count two), battery on an officer (§ 243.1, count three), and attempted removal of a firearm from a peace officer (§ 148, subd. (d), count four). Defendant waived a preliminary hearing and was held to answer. She pleaded guilty to all charges and also admitted she violated probation in case No. 1952.

In April 2018, the court terminated probation in case No. 1952, and the three-year prison sentence was executed; defendant was awarded 10 days of credit. In case No. 0219, defendant was sentenced to serve the low term of two years in prison on count one, consecutive to the term in case No. 1952, and to two years each on counts two, three, and four that were stayed under section 654. She was awarded 209 days of custody credits. Defendant’s aggregate sentence was five years in prison. Defendant timely appealed.

DISCUSSION

Appointed counsel filed an opening brief setting forth the facts of the case and requesting that this court review the record to determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised of her right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than thirty days have elapsed and we have received no communication from defendant.

Having undertaken an examination of the entire record pursuant to *Wende, supra*, 25 Cal.3d 436 we find no arguable error that would result in a disposition more favorable to defendant. The abstract of judgment, however, contains clerical errors that must be corrected. (*People v. Mitchell* (2001) 26 Cal.4th 181, 185 [“Courts may correct clerical errors at any time, and appellate courts . . . that have properly assumed jurisdiction of cases have ordered correction of abstracts of judgment that did not accurately reflect the oral judgments of sentencing courts”].)

For case No. 0219, the abstract of judgment filed November 8, 2018 incorrectly lists a \$200 restitution fine under section 1202.4 rather than the \$1,200 restitution fine imposed by the court. This abstract of judgment also incorrectly lists the credits the court awarded in case No. 0219. The court awarded 105 days of actual credit and 104 days of conduct credit in case No. 0219 for a total of 209 days of credit. Although the abstract of judgment lists 209 days of total credit, it erroneously lists 105 days of conduct credit. The abstract of judgment must be corrected accordingly.

DISPOSITION

The judgment is affirmed. The clerk is directed to prepare a corrected abstract of judgment that lists a \$1,200 restitution fine under Penal Code section 1202.4 and 104

conduct credit days in case No. 0219. The clerk shall forward a certified copy of the corrected abstract of judgment to the Department of Corrections and Rehabilitation.

_____/s/
HOCH, J.

We concur:

_____/s/
ROBIE, Acting P. J.

_____/s/
KRAUSE, J.